

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY  
COMPANY as Administrator for  
RELIANCE INSURANCE COMPANY,

Plaintiff,

v.

DORMITORY AUTHORITY - STATE OF  
NEW YORK, TDX CONSTRUCTION  
CORP. and KOHN PEDERSEN FOX  
ASSOCIATES, P.C.,

Defendants.

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DORMITORY AUTHORITY OF THE  
STATE OF NEW YORK and TDX  
CONSTRUCTION CORP.,

Third Party Plaintiffs,

v.

TRATAROS CONSTRUCTION, INC.,

Third Party Defendant.

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TRATAROS CONSTRUCTION, INC. and  
TRAVELERS CASUALTY AND SURETY  
COMPANY,

Fourth Party Plaintiffs,

v.

CAROLINA CASUALTY INSURANCE  
COMPANY, et al.,

Fourth Party Defendants.

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07 Civ. 6915 (DLC)  
EFC CASE

ANSWER OF CERMAK, PETERKA  
PETERSEN, INC. TO CROSS-CLAIMS  
OF CASTRO-BLANCO PISCIONERI  
AND ASSOCIATES, ARCHITECTS, P.C.  
AND ARQUITECTONICA  
NEW YORK, P.C.

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KOHN PEDERSON FOX ASSOCIATES,  
P.C.,

Third Party Plaintiff,

v.

WEIDLINGER ASSOCIATES  
CONSULTING ENGINEERS, P.C.,  
CASTRO-BLANCO PISCIONERI AND  
ASSOCIATES, ARCHITECTS, P.C.,  
ARQUITECTONICA NEW YORK, P.C.,  
COSENTINI ASSOCIATES, INC.,  
CERMAK, PETERKA PETERSEN, INC.,  
JORDAN PANEL SYSTEMS CORP.,  
TRATAROS CONSTRUCTION, INC. and  
LBL SKYSYSTEMS (U.S.A.), INC.,

Third Party Defendants.

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Third Party Defendant, Cermak, Peterka Petersen, Inc. ("CPP"), through its attorneys, Connell Foley LLP, answers the Cross-Claims filed by Castro-Blanco Piscioneri and Associates, Architects, P.C. ("Castro-Blanco") and Arquitectonica New York, P.C. ("Arquitectonica") as follows:

**ANSWER TO CROSS-CLAIM FOR CONTRIBUTION/INDEMNIFICATION  
AGAINST CERMAK, PETERKA PETERSEN, INC.**

1. CPP denies the truth of each and every allegation contained within paragraphs "46" and "47" of the Cross-Claim of Castro-Blanco and Arquitectonica.

**ANSWER TO CROSS-CLAIM FOR CONTRACTUAL INDEMNIFICATION AGAINST  
CERMAK, PETERKA PETERSEN, INC.**

2. CPP denies the truth of each and every allegation contained within paragraphs "48" and "49" of the Cross-Claim of Castro-Blanco and Arquitectonica.

**AFFIRMATIVE DEFENSES**

1. The Court lacks subject matter jurisdiction over this controversy.
2. The Cross-Claims fail to state a cause of action against CPP upon which relief may be granted.
3. The Cross-Claims against CPP is barred by waiver, payment and release.
4. Castro-Blanco and Arquitectonica are estopped from bringing the Cross-Claims against CPP.
5. Whatever damagers Castro-Blanco and/or Arquitectonica may have sustained as alleged in the Cross-Claims against CPP, all of which are denied by CPP, were caused in whole or in part by the culpable conduct of Castro-Blanco, Arquitectonica and/or others for whose acts, omissions and/or conduct Castro-Blanco and/or Arquitectonica are responsible. The amount of damages recovered, if any, shall therefore be diminished in the proportion which the culpable conduct attributable to CPP bears to the culpable conduct which caused these alleged damages.
6. The damages alleged in the Cross-Claims against CPP were caused by the culpable conduct of some third person or persons over whom CPP neither had nor exercised control.
7. The claims alleged in the Cross-Claims against CPP are barred by the doctrines of waiver and/or laches.

8. Castro-Blanco and Arquitectonica's Cross-Claim for contribution is barred since the damages alleged are for economic loss.

9. Castro-Blanco and Arquitectonica's Cross-Claims for indemnification must be dismissed because CPP is being sued for its active wrongdoing.

10. Castro-Blanco and Arquitectonica's claim for indemnity fails to state a cause of action because CPP owes no contractual indemnity to either Castro-Blanco or Arquitectonica.

11. CPP incorporates by reference each and every Affirmative Defense set forth in its Answer to the Third-Party Plaintiff's Complaint and realleges same as though fully set forth herein.

12. CPP reserves the right to rely upon any and all additional defenses which may be disclosed during discovery in this action.

**WHEREFORE**, CPP demands judgment,

- (a) Dismissing the Cross-Claim in its entirety;
- (b) Awarding CPP all attorneys' fees, disbursements and costs incurred in defending this Cross-Claim; and
- (c) Granting such other and further relief as to this Court seems just and proper.

Dated: New York, NY  
June 11, 2008

CONNELL FOLEY LLP  
Attorneys for Third Party Defendant,  
Cermak, Peterka Petersen, Inc.



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